

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – APGLI Department - Sri K. Jaya Raju, formerly Joint Director of Insurance, A.P., Hyderabad U/s and O.S.D. in Finance Department (Retd) – Departmental proceedings under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 and subsequently retired on superannuation – Imposition of punishment of withholding of 15% of pension permanently under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

FINANCE (ADMN. II) DEPARTMENT

G.O.Rt.No. 81

Dated:06-12-2008.

Read the following:

1. G.A. (Vigilance & Enforcement) Department, U.O. Note No.1112/V & E/R2/1996, dated: 12/08/1997
2. G.O.Rt.No.893, Finance (Admn.II) Department, dated. 20-03-2004.
3. Statement of defense of Sri K.Jaya Raju, former Director of Insurance, AP, Hyderabad now under suspension as OSD, Finance Department through the DI Lr.No.75/CS/1991 dt.19.5.2004.
4. G.O. Rt.No.2793, Finance (Admn.II) Department, dated.8-10-2004.
5. Inquiry Report with D.O.Lr.No.37/COI.CK/2004 dt.15.9.2005 of Chandana Khan, IAS, Commissioner of Inquiries.
6. Showcause notice issued in Memo.No.7085-A/98/A1/OP.I/2006, dated:18.03.2006.
7. Explanation of Showcause notice of Sri K. Jaya Raju, formerly DI, Hyderabad, dated: nil, received on 12.05.2006
8. Showcause Memo.No.51116/407/A2/Admn.II/2002, dated: 10/07/2008
9. DI Letter No. 72/CS/2001-02, dated: 10-09-2008 along with explanation of Sri K. Jaya Raju.
10. Government Letter No.51116/407/A2/Admn.II/2002, dated:01.10.2008.
11. APPSC Letter No. 1679/RT-I/1/2008, Dated:13/11/2008

ORDER:-

In the reference 1st read above, based on the anonymous petition, the GA (V & E) Department has conducted an enquiry into the allegations against Sri K. Jaya Raju, J.D. of Insurance, Directorate of Insurance, A.P., Hyderabad. Out of the 15 allegations contained in the petition, 10 allegations were held substantiated. An inquiry was conducted by appointing the then Additional Secretary to Government as Enquiry Officer. He has submitted his report. The report was examined in detail and found that it is not as per rules. And therefore, decided to issue fresh charges and to entrusted the case to Commissioner of Inquiries. Accordingly in the reference 2nd read above, articles of charges were issued against Sri K. Jaya Raju. The explanation of the charged Officer is received through the Commissioner and Director of Insurance vide reference 3rd read above. Smt Chandana Khan, IAS., was appointed as Inquiring Authority to enquire into the matter on the allegations leveled against the Charged Officer under sub-rule (2) of rule 20 of A.P.C.S. (CCA) Rules, 1991 and Ms. K. Sridevi, Advocate as the Presenting Officer in this case vide reference 4th read above.

2. On the basis of the analysis and assessment of the Inquiring Authority, out of 8 charges issued , the following 4 charges were proved against Sri K. Jaya Raju, former Joint Director of Insurance, Directorate of Insurance, A.P., Hyderabad and rest of (4) charges were not held proved during the inquiry.

Charge No.4: “That Sri K. Jaya Raju while working as Assistant Director and holding additional charge of the post of Regional Deputy Director, Vijayawada caused loss of Rs. 262.90 P. in the shortage of office stationary which is misconduct”.

Charge No.6: “That Sri K. Jaya Raju while working as Regional Deputy Director, Kurnool misrepresented the relieving time at Kurnool and joining time at Hyderabad by tampering official records concerning transfer to a bill which is a misconduct”

Charge 7: “That Sri K. Jaya Raju, while working as Regional Deputy Director, Kurnool made irregular appointments by transfer which is a misconduct and misuse of official position.”

Charge No.8: “That Sri K. Jaya Raju while working as Joint Director, Directorate of Insurance made wasteful expenditure by purchasing stationary through irregular quotation which is the misconduct.

The Inquiring Authority further informed that the disciplinary authority may proceed to take action on the basis of these findings vide reference 5th read above. Accordingly show cause notice was issued vide reference 6th read above duly enclosing the Inquiry Report to the Charged Officer with a request to submit his explanation. In the reference 7th read above, the Charged Officer has submitted his explanation to the Government.

2. In the reference 8th read above, a final show cause notice was issued to the charged officer duly indicating the proposed punishment of withholding of 15% pension permanently in view of the retirement of the Charged Officer on 30-06-2008 on superannuation. In the reference 9th read above, the Charged Officer has furnished his explanation to the show cause memo through the Director of Insurance as follows:

Charge No.4:

The loss was assessed at Rs.9,262-90Ps. including cost of printed Departmental forms and registers worth Rs.8,600-15Ps. and he failed to refund the costs of the above material. No witness was examined during the inquiry to prove the charge nor no document got marked. Further no evidence was produced during the inquiry to show that there was any shortage of stationary items in the stores. Further the persons responsible for any shortage in the stores, if any, is on the in-charge of the stores and the immediate supervisory officer. The charged officer has submitted that, his role is only supervisory. Further the D.A did not produce any evidence to show that there were any shortage at all and there was no basis for the charge and therefore holding him responsible for such imaginary loss. It is also mentioned that “so called as charge No.4 is concerned and found it proved as there has been indeed a financial loss in purchase of stationary items.” Sri K. Jaya Raju has submitted that the above finding of the inquiry officer is not relevant since the finding is contrary to recitals of the charge. And further submitted that he was awarded punishment of postponement of increment for slack supervision in respect of the same act of delinquency. At no point of time he was held responsible for loss of Government revenue and he was required to make good the amount. It is also further stated that, this charge was already inquired into in 1981 and he was awarded with punishment of stoppage of two increments without any cumulative effects and the same was recorded in his Service Register as a result he has foregone promotion and his junior was promoted. This was a great loss already inflicted upon him. As such he has requested to kindly reexamine it once again and take lenient view and drop the punishment.

Charge No.6:

In this case the charged officer has submitted that, neither copies of doc No. 23,25 and 35 were furnished to him nor he admitted them as genuine therefore the documents cannot be read in evidence without examining the concerned witness. Therefore, the contention of the P.O. does not merit any consideration and the said documents cannot be read in any evidence. Therefore, the D.A. failed to prove the charge by adducing cogent evidence and hence the finding of the Inquiring Officer holding charge No.6 has proved is not based on evidence and hence does not merit any consideration.

Further the charged officer has stated that, he was promoted as joint director from the category of R.D.D of insurance while he was working at Kurnool. The promotion was given by the Government on 30-12-1993 and the promotion orders were communicated to him through a special messenger by Director of Insurance. Immediately he has handed over the charge to Senior Assistant Director in Kurnool and reported at Directorate of Insurance on 31-12-1993. Director who was averse to his promotion always trying to put him in trouble and the Director has issued separate promotion proceedings dated 31-12-1993 with a bad intention of troubling to the charged officer. And stated that, his joining report was recorded in the Service Register and the Director of Insurance has issued pay fixation orders and ordered for submission of the bill in the P.A.O. But later the Director got the bills back from P.A.O. and then took the Xerox copies of the same and enclosed them to compliant.

Charge 7:

The Director of Insurance accorded permission in the memo dated 25-04-1988. As the permission / instructions were not clear, the charged officer reiterated his request through his letter dated 18-06-1988. As per the instructions of the proceeding of the Director of Insurance, he promoted the staff Under Rule 10 (a)(1)(1) of AP State and Subordinate Service Rules in the exigencies of work and copies of promotion orders were marked to the Director of Insurance and action undertaken with the knowledge and permission of the Director of Insurance. The charged officer has stated that the promotions were conditional and there was no mollified intention on his part and the D.A also did not adduce / attribute any mollified in this regard. Further, stated that Attenders & Cashier were promoted as per the permission given by the Director of Insurance. There was tremendous pressure of work which should be turned out by Junior Assistants and Senior Assistants and not attenders & cashier. Their promotions were in special circumstances only duly relaxing the conditions. Therefore, there were no mollified intentions. These were done in the interest of the Department not with any personal ends. Therefore, the finding of the inquiring officer holding the charge No. 7 proved is erroneous and does not merit any consideration.

Charge No.8:

The charged officer has stated that, when clean & green program was going on Director of Insurance felt the need of the spittoons which the DI has seen at a vendor near Siddartha Hotel and collected quotation from the vendor, then he sent the proposal to the Government got the sanction orders and issued sanction proceedings. All actions were done at DIs behest only. The charged officer processed the file. spittoons were supplied and they were entered into the stock register and afterwards bill was paid but some were returned for minor rectification. The contractor supplied them back in good condition. But involving him in normal and routine issue tells the bad motive of the complaint and hap hazardous of conduction of inquiry. Therefore the D.A failed to prove the above charge against him by adducing cogent evidence. Thus the inquiry officer erroneously held the charge proved without properly appreciating the evidence on record.

3. The charged officer has further stated that there is no evidence in support of charges 4,6,7 & 8 and the reasons submitted above, the finding of the inquiry officer that the above charges were proved is erroneous based on presumption and not supported by any evidence. Therefore, the charged officer has prayed that he may be exonerated of charges 4,6,7&8 in the interest of justice.

4. Government after careful examination of the explanation of the Charged Officer, Sri K. Jaya Raju, J.D. of Insurance, Office of the Directorate of Insurance, A.P., Hyderabad with reference to the finding of the Inquiry Officer found that, it is very clear that the Charges framed against him are held proved substantially. Therefore, Government came to a provisional conclusion for imposition of punishment of withholding of 15% of his pension permanently on the Charged Officer, Sri K. Jaya Raju, J.D. of Insurance, Directorate of Insurance, A.P., Hyderabad as per Revised Pension Rules- 1980, and referred the matter to the Andhra Pradesh Public Service Commission, Hyderabad for their concurrence vide reference 10th read above.

5. The Secretary, Andhra Pradesh Public Service Commission, Hyderabad in his letter vide reference 11th read above, informed that the Commission, agreed with the proposed punishment of withholding 15% pension permanently against Sri K. Jaya Raju, formerly Director of Insurance, A.P., Hyderabad OSD in Finance Department, (Retd).

6. Government after careful examination of the matter, accept the advice of the Andhra Pradesh Public Service Commission and hereby impose a punishment of withholding of 15% of pension permanently on the Charged Officer, Sri K. Jaya Raju, formerly Director of Insurance, A.P., Hyderabad OSD in Finance Department, (Retd) as per Rule 9 of Andhra Pradesh Revised Pension Rules- 1980.

7. The Director of Insurance, A.P., Hyderabad shall take necessary further action in the matter accordingly.

8. Copy of this order is available on Internet and can be accessed at address <http://www.ap.gov.in/goir>

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. SAMEER SHARMA
SECRETARY TO GOVERNMENT (FP)

To

The individual through the Director of Insurance, A.P., Hyderabad.

The Director of Insurance, A.P., Hyderabad.

Copy to:

The Accountant General, A.P., Hyderabad.

The Pay & Accounts Office, A.P., Hyderabad.

The Secretary, A.P.P.S.C., A.P., Hyderabad.

The Secretary, A.P. Vigilance Commission, A.P. Secretariat, Hyderabad.

Finance (OP.I) Department.

SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER